

**REMARKS/ARGUMENTS**

This amendment responds to the Office Action dated August 20, 2007, in which the Examiner rejected claims 1-6 under 35 U.S.C. § 102(b).

Applicant thanks the Examiner for acknowledging priority. However, Applicant respectfully submits that box 12(a)(3) should be indicated rather than box 12(a)(1).

As indicated above, typographical errors in the Specification have been corrected. Applicant respectfully requests the Examiner approves the correction.

As indicated above, claim 1 and 4 have been amended in order to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability.

Claim 1 claims an image pick-up apparatus and claim 4 claims an image pick-up method. The apparatus and method include a solid-state image pick-up device, switching means, control means and timing generating means. The pick-up device performs photo-electric conversion in accordance with a received image pick-up light. The switching means performs switching between a first mode and a second mode. The control means controls the switching means. The time generating means generates a signal (a) to read out the charges stored in the pick-up device and to store the read-out charges in a storage means during a first time period and (b) to not read out the charges from the pick-up device and to output the charges stored in the storage means during a second time period, where the first and second time periods are based upon the first and second modes.

By having a timing generating means generating a signal (a) to read out charges stored in the pick up device and store them a storage means during a first time period and (b) to not read out the charges and to output the charges stored in the storage means during a second time period, where the first and second time periods are based on the first and second modes as

claimed in claims 1 and 4, the claimed invention provides an image pick-up apparatus and method in which a non-intermittent image can be obtained on a monitor connected to the pick-up apparatus. The prior art does not show, teach or suggest the invention as claimed in claims 1 and 4.

Claims 1-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Okino et al.* (U.S. Patent No. 5,019,911).

*Okino et al.* appears to disclose a CCD image sensor 5, control circuit 10, signal processing circuit 6 and recording portion 7 (Col. 2, lines 57-63). The video signal read out from the CCD image sensor 5 passes through the signal processing circuit 6 and is recorded on a recording medium of the recording portion 7 (Col. 5, lines 5-8).

Thus, nothing in *Okino et al.* shows, teaches or suggests a timing generating means for generating a signal (a) to read out charges stored in a pick up device and store the charges in a storage means during a first time period and (b) to not read out the charges from the pick up device and to output the charges stored in the storage means during a second time period, where the first and second time periods are based upon the first and second modes as claimed in claims 1 and 4. Rather, *Okino et al.* only discloses a signal processing circuit 6 outputting to a recording portion 7.

Since nothing in *Okino et al.* shows, teaches or suggest the primary features as claimed in claims 1 and 4, Applicant respectfully requests the Examiner withdraw the rejections to claims 1 and 4 under 35 U.S.C. § 102(b).

Claims 2-3 and 5-6 depend from claims 1 and 4 and recite additional features. Applicant respectfully submits that claim 2-3 and 5-6 would not have been anticipated by *Okino et al.* within the meaning of 35 U.S.C. § 102(b) at least for the reasons as set forth above. Therefore,

Applicant respectfully requests the Examiner withdraw the rejections to claims 2-3 and 5-6 under 35 U.S.C. § 102(b).

New claims 7-8 have been added and recite additional features. Applicant respectfully submits that these claims are also in condition for allowance.

The prior art of record, which is not relied upon, is acknowledged. The references taken singularly or in combination do not anticipate or make obvious the claimed invention.

Thus it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

**CONCLUSION**

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 05-0320.

Respectfully submitted,

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